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10/574,123	03/31/2006	Antti Aaltonen	915-005.202	5550

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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP  
BRADFORD GREEN, BUILDING 5  
755 MAIN STREET, P O BOX 224  
MONROE, CT 06468

EXAMINER

HUR, ECE

ART UNIT	PAPER NUMBER
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2179

MAIL DATE	DELIVERY MODE
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02/05/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/574,123	AALTONEN, ANTTI	
	Examiner	Art Unit	
	ECE HUR	2179	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

This action is responsive to Response/Arguments filed on November 16, 2007. This application is a national stage entry of PCT/FI04/50140 and it is claiming foreign priority for application 20031433, filed 10/03/2003, in Finland.

### ***Status of Claims***

Claims 1-22 are pending in the case. Claims 1, 8, 12, 17, 21 and 22 are the independent Claims.

### ***Response to Arguments***

Applicant's arguments filed November 16, 2007 have been fully considered but they are not persuasive. See the rejection details for Claims 1-22.

Applicant argued:

1) Regarding Claim 21 rejection under 35 U.S.C. 101, applicant amended the Claim 21. The rejection for Claim 21 under 35 U.S.C. 101 is withdrawn.

2) Applicant referred to foreign priority country as being Finland, not France. Bib. Data Sheet referred to foreign application as France 20031433 application, will be corrected accordingly.

3) Specification amendment filed on November 16, 2007 has been placed in the application file.

4) Regarding Claims 1, 8, 12, 17, 21, 22:

Driskell discloses in FIG. 1, 1A08, icon A(image), is illustrated in the most outer display area, the layout of Label #1(textual) is “substantially” perpendicular to 1A08, icon A(image). Applicant does not refer in the Claims to efficient space usage, could have been expressed in the Claims such that in element 1, image and label are perpendicular, wherein the label is at the lower or upper end of the image. In general Driskell illustrates in FIG. 1A efficient space usage.

Applicant argued that Driskell uses the navigational tools to select the desired item. However, applicant is not claiming the selection type for the desired item in the Claims.

Applicant amended the Claims to have the menu at least two function elements for selecting functions. Driskell illustrates multiple function elements in FIG. 1A. Applicant argued that Label #7 does not have the image icon at the outermost, however Label #2 has inherently an icon. Driskell illustrates in FIG. 1, 1A08, Icon A(outermost) and label #1(substantially perpendicular to Icon A), and it is inherent in FIG. 1A, 1A02, that the Label #2 has an image as well, therefore two function elements are substantially next to each other and they both are substantially perpendicular. Applicant

should duly note that the claims are not specific enough to emphasize the position of the function elements as described in the specification, wherein one is on the left and the other on right side of the display, more specifically, the identification elements in the function elements are reversed(Right side: image, label; Left side: label image).

***Status of Claims***

Claims 1-22 are pending in the case. Claims 1, 8, 12, 17, 21 and 22 are the independent Claims.

Claims 1-5, 7-15, 17-22 are rejected under 35 U.S.C. 102(b)

Claims 6 and 16 are rejected under 35 U.S.C. 103(a).

***Information Disclosure Statement Acknowledgement***

The information disclosure statement filed on March 31, 2005 is in compliance with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. It has been placed in the application file, the information referred to therein has been considered as to the merits.

***Priority Acknowledgement***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). Receipt is acknowledged of certified copy of Finland, Application

No.2003-1433, filed on October 3, 2003 submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-15, 17-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Driskell, US 6,239,803.

Regarding Claim 1, Driskell discloses a method to achieve least effort selection from an item list of arbitrary length as a technique to determine the number of items in a list to display the most appropriate number of items per page.

Driskell discloses the claimed aspect of a method defining at least three display areas that are substantially adjacent to each other in a first direction of a menu on a display of an electronic device, which menu comprises at least two function elements for selecting functions, in FIG. 1A, wherein an icon A, 1A08, Label #1, Icon D and Label #7 are displayed. (Driskell, FIG. 1A, multiple function elements).

Driskell discloses the claimed aspect of defining at least a first identification part and a second identification part that are contained in each function element of the at least

two function elements in FIG. 1, wherein Label #1 defines Icon A, and Label #7 defines Icon D. Inherently Label #1 defines icon image and the label.

Driskell discloses the claimed aspect of displaying the first identification part of the at least two function elements in said first direction on outermost display areas, displaying the second identification part of the at least two function elements (Label #1, Label #2) on at least one display area between said outermost display areas in such a manner that a second identification part of a first function element and a second identification part of a second function element are positioned at least substantially next to each other in a second direction substantially perpendicular to said first direction in FIGURE 1A, wherein Icon A is on most outermost display area and next to Label #1 and perpendicular to first direction. More specifically, Driskell illustrates in FIG. 1, 1A08, Icon A (outermost) and label #1 (substantially perpendicular to Icon A), however, it is inherent in FIG. 1A, 1A02, that the Label #2 has an image as well, therefore two function elements are substantially next to each other and they both are substantially perpendicular.

Regarding Claim 2, most of the limitations have been met in the rejection of Claim 1. See the rejection of Claim 1 for details. Driskell discloses the claimed aspect of dimensions of the first identification part of the function element in the second direction are substantially larger than dimensions of the second identification part of the function

element in said second direction in FIGURE 3A00, wherein ilconHeight is given large than the iLabelHeighth.

Regarding Claim 3, most of the limitations have been met in the rejection of Claim 2. See the rejection of Claim 2 for details. Driskell discloses the claimed aspect of a size of the first identification part in the second direction is twice a size of the second identification part in said second direction in FIGURE 3A00, wherein iLabelHeight=8 and ilconHeight=16.

Regarding Claim 4, most of the limitations have been met in the rejection of Claim 1. See the rejection of Claim 1 for details. Driskell discloses the claimed aspect of first identification part is an image and the second identification part is a label in FIGURE 1A, wherein first identification part is an icon A and second identification part is Label #1.

Regarding Claim 5, most of the limitations have been met in the rejection of Claim 1. See the rejection of Claim 1 for details. Driskell discloses the claimed aspect of at least one function element is connected to at least one of the functions of the device, wherein a plurality of list item target areas that include active rectangular areas responsive to pointing device selection. (Driskell, Page 7, Paragraph 55).

Regarding Claim 7, most of the limitations have been met in the rejection of Claim 1. See the rejection of Claim 1 for details. Driskell discloses the claimed aspect of



navigation between the first function element and the second function element is conducted in the second direction in FIGURE 1A.

Regarding Claim 8, Driskell discloses the claimed aspect a graphic user interface of an electronic device for presenting various menus (Driskell, See Field of Invention). The rejection for Claim 1 applies to Claim 8. See the rejection details for Claim 1.

Regarding Claim 9, most of the limitations have been met in the rejection of Claim 8. See the rejection of Claim 8 for details. The rejection for Claim 2 applies to Claim 9. See rejection details for Claim 9.

Regarding Claim 10, most of the limitations have been met in the rejection of Claim 8. See the rejection of Claim 8 for details. The rejection for Claim 3 applies to Claim 10. See rejection details for Claim 3.

Regarding Claim 11, most of the limitations have been met in the rejection of Claim 8. See the rejection of Claim 8 for details. The rejection for Claim 4 applies to Claim 11. See rejection details for Claim 4.

Regarding Claim 12, the method and system disclosed by Driskell could be used to achieve a device. The rejection for Claim 1 applies to Claim 12. See rejection details for Claim 1.

Regarding Claim 13, most of the limitations have been met in the rejection of Claim 12. See the rejection of Claim 12 for details. The rejection for Claim 2 applies to Claim 13. See the rejection details for Claim 2.

Regarding Claim 14, most of the limitations have been met in the rejection of Claim 12. See the rejection of Claim 12 for details. The rejection for Claim 3 applies to Claim 14. See the rejection details for Claim 3.

Regarding Claim 15, most of the limitations have been met in the rejection of Claim 12. See the rejection of Claim 12 for details. The rejection for Claim 4 applies to Claim 15. See the rejection details for Claim 4.

Regarding Claim 17, Driskell discloses a system comprising a display unit with a graphic user interface for presenting various menus. The rejection for Claim 1 applies to Claim 17. See the rejection details for Claim 1.

Regarding Claim 18, most of the limitations have been met in the rejection of Claim 17. See the rejection of Claim 17 for details. The rejection for Claim 2 applies to Claim 18. See the rejection details for Claim 2.

Regarding Claim 19, most of the limitations have been met in the rejection of Claim 17. See the rejection of Claim 17 for details. The rejection for Claim 3 applies to Claim 19. See the rejection details for Claim 3.

Regarding Claims 20, most of the limitations have been met in the rejection of Claim 17. See the rejection of Claim 17 for details. The rejection for Claim 4 applies to Claim 20. See the rejection details for Claim 4.

Regarding Claim 21, Driskell discloses the claimed aspect of a software program of displaying a menu on a display of an electronic device, the program stored on a computer readable medium comprising a number of instructions for performing the steps in FIGURES 5A-8M, wherein software sections are illustrated. The rejection for Claim 1 applies to Claim 21. See the rejection details for Claim 1.

Regarding Claim 22, Driskell discloses the claimed aspect of a storage medium readable by a computer, inherently, because they teach the aspect of said medium containing information stored therein for performing the steps. The rejection for Claim 1 applies to Claim 22. See the rejection details for Claim 1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

**Claims 6 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Driskell, US 6,239,803 in view of Twerdahl et al. US Pub.: 2004/0221243 A1.

Regarding Claim 6, most of the limitations have been met in the rejection of Claim 5. See the rejection of Claim 5 for details. Driskell does not teach the claimed aspect of a function, at least two function elements is a phone number directory, an image manager, a phone manager, a message manager or an electronic organizer. However, Twerdahl discloses the claimed aspect of function element being "Address", 318 could be define as a phone manager, "SMS", 308 could be defined as message manager in FIG. 2 and in FIG. 2 "Multimedia", 210 could be defined as an image

manager. It would be obvious to one of ordinary skill in the art at the time of the invention to add Twerdahl's element function on Driskell's invention, because it will allow the users on small screen devices such as cell phone or PDA to view multiple element functions.

Regarding Claim 16, most of the limitations have been met in the rejection of Claim 12. See the rejection of Claim 12 for details. The rejection for Claim 6 applies to Claim 16. See the rejection details for Claim 6.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- 1) Edo et al., US 6,133,905, 10/17/2000, "Input apparatus and input method".
- 2) Fong et al., US 6,188,406, 02/13/2001, "Single-item text window for scrolling lists".
- 3) Yamaguchi, Kosuke, et al., US 20040155907, 08/12/2004, "Icon display system and method, electronic appliance, and computer program".

- 4) Nakanishi, Tomoaki, US 20040229657 A1, 07/12/2001, "Mobile communication terminal apparatus and recording medium which records data operation process program".
- 5) Bells, Matthew et al., US 20050050474, 03/03/2005, "Method and data structure for user interface customization".
- 6) Vaananen, Johannes et al., US 2005/0076303, 04/07/2005, "Graphical user interface and method and electronic device for navigating in the graphical user interface".
- 7) Salt; Bryan David; et al. et al., US 20060107232, 05/18/2006, "User interface".
- 8) Anwar Majid et al., US 20060123360, 06/08/2006, "User interfaces for data processing devices and systems".
- 9) Son Yong Tae et al., US 20070113204, 05/17/2007, "Method of displaying menus in mobile telephone".

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ECE HUR whose telephone number is (571) 270-1972. The examiner can normally be reached on MONDAY-THURSDAY 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WEILUN LO can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ece Hur  
E.H./e.h.

January 28, 2008

BA HUYNH  
PRIMARY EXAMINER